IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Original Jurisdiction

Dated: Nainital: the 8th day of November, 2006
Crl. Bail Application No. 1052 of 2006

Order on the Bail Application:
CRIMINAL SIDE

Dhan Singh S/o Ram Singh
R/o Village Bhatora (Pothing),
Patwari Area –Bharari, Tehsil Kapkot,
District Bageshwar.

…….. Applicant

Versus

State of Uttaranchal ……. Opposite Party

Arising out of Crime No. 15 of 2006
Under Sections: 376, 457, 506 of I.P.C.
Police Station: Chalani Patwari Bharari, Tehsil Kapkot,
District: Bageshwar.

Hon'ble Prafulla C. Pant, J.

Heard Mr. B.S. Adhikari, learned counsel for the applicant and Mr. H.C. Pande, learned A.G.A. for the State.

Applicant- Dhan Singh, who is in jail in connection with crime No. 15 of 2006, relating to offences punishable under Section 376, 457, 506 of I.P.C., Patwari Kshetra Bharari, Tehsil Kapkot, District Bageshwar, has sought his release on bail.

The First Information Report is delayed by as many as six months. The victim, who claims herself to be widow has herself, stated in the First Information Report, that she has been made pregnant twice. Earlier, she says, she was raped by one Narendra Singh (not applicant). Thereafter, the foetus got aborted with the help of mother of said Narendra Singh. This time, she says has conceived child through Lokpal Singh, brother of Narendra Singh and Dhan Singh (present applicant).

Without expressing any opinion as to the final merits of the case, in the opinion of this Court, it is a fit case for bail.

Let the applicants Dhan Singh be released on bail on his executing a personal bond and furnishing two sureties each of the like amount to the satisfaction of the Chief Judicial Magistrate, Bageshwar.

(Prafulla C. Pant, J.)

Dt. 08.11.2006
H.Negi